

REMARKS

Claims 1-29 are pending in this application. In this response, Applicant has provided a Declaration under 37 CFR 1.132 and a Terminal Disclaimer to overcome the Examiner's rejections. In light of the Declaration, Applicant submits that the Examiner's rejections have been overcome. As such, reconsideration and allowance of the pending claims is respectfully requested.

THE DOUBLE PATENTING REJECTION

At page 2 of the Office Action, the Examiner rejected claims 1-29 under the judicially created doctrine of obviousness-type double patenting over claims 1-42 of U.S. Patent No. 6,758,759 to Gobush *et al.* ("Gobush '759"), U.S. Patent No. 7,086,954 to Gobush *et al.* ("Gobush '954"), and U.S. Patent No. 7,291,072 to Bissonnette¹ ("Bissonnette"), each in view of U.S. Patent No. 4,158,853 to Sullivan ("Sullivan").

To facilitate allowance, Applicant submits a Terminal Disclaimer herewith to overcome the double patenting rejections. In light of the Terminal Disclaimer, Applicant submits that the Examiner's double patenting rejections have been overcome.

THE REJECTIONS UNDER 35 U.S.C. § 102

At pages 3-4 of the Office Action, the Examiner rejected claims 1-29 under 35 U.S.C. § 102(e) as being anticipated by Bissonnette. The Examiner also rejected claims 1-29 under § 102(e) as being anticipated by Gobush '954.

As noted by the Examiner, Bissonnette, Gobush '954, and the present application have a common inventor. Thus, Applicant submits herewith a Declaration under 37 CFR 1.132, attached as Exhibit A, that confirms that the invention disclosed in Bissonnette and Gobush '954 was derived by William Gobush, and is not an invention "by another." In light of the Declaration, Applicant submits that the Examiner's § 102(e) rejections have been overcome. Reconsideration and withdrawal of the rejections is respectfully requested.

¹ Applicant notes that the Examiner mistakenly refers to U.S. Patent No. 7,291,072 to Bissonnette as "Gobush '072." In this Response, Applicant correctly refers to the patent as Bissonnette.

THE REJECTIONS UNDER 35 U.S.C. § 103

At pages 5-7, the Examiner rejected claim 29 under 35 U.S.C. § 103 as being obvious over Bissonnette and Gobush '954. The Examiner also rejected claims 3, 12-13, 18, and 20-21 under § 103(a) as being obvious over Bissonnette, Gobush '954, and Sullivan.

As noted by the Examiner, Bissonnette, Gobush '954, and the present application have a common inventor. Thus, Applicant submits herewith a Declaration under 37 CFR 1.132 (Exhibit A) that confirms that the invention disclosed in Bissonnette and Gobush '954 was derived by William Gobush, and is not an invention "by another." In light of the Declaration, Applicant submits that the Examiner's § 103(a) rejections have been overcome. Reconsideration and withdrawal of the rejections is respectfully requested.

CONCLUSION

All claims are believed to be in condition for allowance. If the Examiner believes that the present amendments and remarks still do not resolve all of the issues regarding patentability of the pending claims, Applicants invite the Examiner to contact the undersigned attorneys to discuss any remaining issues.

A Petition for Extension of Time is submitted herewith extending the time for response three months to and including March 26, 2009. No other fees are believed to be due at this time. Should any other fees be due, please charge them to Deposit Account No. 50-4545, Order No. 5222-054-US01.

Respectfully submitted,
HANIFY & KING, P.C.

Dated: March 24, 2009

By: 

Siddhesh V. Pandit, Registration No. 58,572
HANIFY & KING, P.C.
1875 K Street, NW
Suite 707
Washington, D.C. 20006
(202) 403-2104 Telephone
(202) 429-4380 Facsimile